

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANTHONY S. CLARK,	:	
	:	
Plaintiff,	:	Civil Action No. 19-07855 (GC) (DEA)
	:	
v.	:	
	:	
DETECTIVE JESSE ORBACH,	:	<u>MEMORANDUM & ORDER</u>
	:	
Defendant.	:	
	:	

CASTNER, District Judge

Plaintiff Anthony S. Clark is proceeding *pro se* with a Third Amended Complaint pursuant to 42 U.S.C. § 1983. (*See* ECF No. 10.) On June 30, 2023, Defendant Jesse Orbach filed a Motion to Dismiss the Third Amended Complaint. (*See* ECF No. 31.) Subsequently, on August 14, 2023, Plaintiff filed a letter indicating his intent to withdraw this action. (*See* ECF No. 36 (“I would . . . ask this Court as a *pro-se* litigant to withdraw my complaint until my criminal case is over.”).) On September 21, 2023, Magistrate Judge Douglas E. Arpert issued an Order for Plaintiff to advise the Court no later than October 12, 2023 whether Plaintiff’s August 14, 2023 letter sought to have this case voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a). (*See* ECF No. 39.) Judge Arpert’s Order indicated that if Plaintiff did not timely respond by October 12, 2023, the Court would interpret Plaintiff’s August 14, 2023 correspondence as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). Plaintiff has not responded to Judge Arpert’s September 21, 2023 Order.

Accordingly, **IT IS** on this 31st day of October, 2023,

ORDERED that this action is voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a) due to Plaintiff's August 14, 2023 correspondence and Plaintiff's subsequent failure to respond to the Court's September 21, 2023 Order; and it is further

ORDERED that the Clerk is to administratively terminate Defendant's Motion to Dismiss (ECF No. 31) given the dismissal of this action without prejudice; and it is further

ORDERED that the Clerk shall serve this Memorandum and Order on Plaintiff by regular U.S. mail; and it is further

ORDERED that the Clerk shall mark this case as **CLOSED**.


GEORGETTE CASTNER
United States District Judge